

## Nadler: Hate Crimes Provision Must Remain in Defense Bill

Monday, 13 September 2004

Washington, DC -- Representative Jerrold Nadler (D-NY) today called on the Republican leaders of the House of Representatives to resist their annual tradition of stripping a hate crimes provision from the Department of Defense bill. Speaking on behalf of House Judiciary Democrats, Nadler made the following statement to House and Senate Conferees of the Defense Bill:

I am here on behalf of the Judiciary Committee. As you know, our Ranking Member, John Conyers, along with many of us, have introduced hate crimes legislation annually since the 105th Congress in 1997. Hate crimes legislation was not only passed by the Senate in 2001 as part of the Department of Defense Authorization bill, but was approved by the House pursuant to a motion to instruct on a 232-192 vote.

Despite these bicameral, bipartisan votes, Republican Leaders insisted the hate crimes bill be removed from the Department of Defense bill. I should also point out that this was the first time the House ever had the opportunity for a clean vote on the issue of hate crimes and confirmed that the legislation had the necessary support if Republican Leadership ever allowed it to come to the floor.

In the 107th Congress there were 206 bi-partisan co-sponsors of the legislation, but a discharge petition failed and the bill was not brought up for a vote.

Current law limits federal jurisdiction over hate crimes to incidents that occur during the exercise of federally protected activities, such as voting, and does not permit federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that four states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws. This legislation will remove these hurdles, so the federal government will no longer be constrained to wage the fight against hate crimes with one hand tied behind its back.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation, with the enhanced support of the federal government. Through an Intergovernmental Assistance Program created by this legislation, the Justice Department will provide technical, forensic or prosecutorial assistance to state and local law enforcement officials in cases of bias crime. The legislation also authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes. Finally, under the bill, the Attorney General or other high ranking Justice Department officials must approve all prosecutions under this law, ensuring federal restraint, and further ensuring that the states will continue to take the lead.

Statistics clearly show that incidences of violence motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim pose a serious national problem and warrant this legislation. The FBI has reported a dramatic increase in hate motivated violence since the September 11th terrorist attacks. While the overall crime rate has grown by approximately two percent, the number of reported hate crimes have increased dramatically from 8,063 in 2000 to 9,730 in 2001 (a 20.7% increase). While hate crimes did drop back down from that 2001 high, they are still higher than they were in 2000. In 2002, the F.B.I. reports that there were 8,832 hate crime offenses, affecting 9,222 victims.

Racial bias again represented the largest percentage of bias-motivated incidents (44.9%), followed by Ethnic/National Origin Bias (21.6%), Religious Bias (18.8%), Sexual Orientation Bias (14.3%), and Disability Bias (0.4%). Although it is unclear how many of the 2001 reported hate crimes were directed at individuals in the aftermath of the September 11th terrorist attacks, we do know that the number of reported crimes committed against people who were, or were perceived

to be Middle-Eastern or Islamic increased from 28 in 2000 to 481 in 2001, which represents an increase of over 1600%. In addition, the number of hate crimes directed at individuals on the basis of their national origin/ethnicity more than doubled - from 911 in 2000 to 2,098 in 2001.

Similarly, the Anti-Defamation League has reported that, in 2002, there were 1,559 anti-Jewish incidents against Jews and Jewish institutions, an 8% increase. Campuses in the United States saw an increase in such incidents of 24% in the same period. The statistics can tell only part of the story. There is no more graphic a reminder of the hate violence than the shocking murders of James Byrd in Jasper, TX and Matthew Shepard in Wyoming. Hate crimes are especially destructive because their perpetrators seek not only to harm the immediate victim, but to threaten an entire community. Whether through acts of violence or acts of vandalism, hate crimes target entire communities. These despicable acts should be treated as the perpetrators intended them: as something more than a crime against a single individual. Intent has long been a key factor in how we punish crimes. There is no reason why we should not take it into account when dealing with crimes against an entire community.

Earlier in this Congress, the House unanimously adopted H. Con. Res. 49, which, among other things called on the countries of the OSCE to "ensure effective law enforcement by local and national authorities against criminal acts stemming from anti-Semitism, xenophobia, or racial or ethnic hatred, whether directed at individuals, communities, or property, including through investigation and prosecution of such acts."

The Hate Crimes Prevention Act is a constructive and measured response to a problem that continues to plague our nation - violence motivated by prejudice. It has the overwhelming support of law enforcement, and of religious and civil rights organizations.

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